

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA

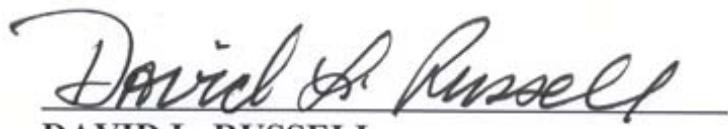
DANNY R. CAMPBELL, )  
Plaintiff, )  
v. ) CIV-16-526-R  
CARL BEAR, Warden, )  
Defendant. )

**ORDER**

Petitioner filed this action seeking a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Pursuant to 28 U.S.C. 636(b)(1)(B), the matter was referred to United States Magistrate Judge Gary M. Purcell for preliminary review. On June 27, 2016, Judge Purcell issued a Report and Recommendation wherein he recommended the Petition be dismissed upon filing. Petitioner has not objected to the Report and Recommendation within the time limits prescribed, nor has he sought an extension of time in which to respond. Furthermore, as noted by Judge Purcell, the Court is without jurisdiction to consider the petition, because Mr. Campbell has filed a prior habeas challenge to his conviction in Case No. CR-78-2706 and his not been authorized by the Tenth Circuit Court of Appeals to file a second or successive challenge thereto. *See* 28 U.S.C. § 2244(b)(3)(A). The Court declines to transfer the matter to the Tenth Circuit for the reasons set forth in the Report and Recommendation. The Petition is hereby **DISMISSED**. The Motion for Leave to Proceed In Forma Pauperis (Doc. No. 8) is **DENIED AS MOOT** in light of Petitioner's payment of the \$5.00 filing fee

on June 10, 2016.

**IT IS SO ORDERED** this 29th day of July, 2016.

  
**DAVID L. RUSSELL**  
**UNITED STATES DISTRICT JUDGE**